

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

ANGELA MENSAH,)
Plaintiff,) PLAINTIFF'S COMPLAINT AND
— vs —) DEMAND FOR JURY TRIAL
GC SERVICES, LP,)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, ANGELA MENSAH (“Plaintiff”), through her attorney, hereby alleges the following against Defendant, GC SERVICES, LP (“Defendant”):

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).
 2. The Texas Fair Debt Collection Practices Act, Tex. Fin. Code § 392.001 *et seq.* (TFDCPA).

Parties

3. Plaintiff is a natural person residing, in the city of Bentonville, County of Benton, Arkansas and is otherwise *sui juris*.
 4. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
 5. Defendant is a Limited Partnership conducting business in the state of Arkansas, and has its principal place of business in Houston, TX.
 6. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
 7. Defendant acted though its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

8. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
 9. Because Defendant’s principal place of business is in Houston, TX, personal jurisdiction is established.
 10. Venue is proper in the United States District Court Southern District of Texas pursuant to 28 U.S.C § 1391(b) because Defendant resides within this District and a substantial part of the events or omissions giving rise to the herein claims occurred, or a substantial part of property that is the subject of the action is situated within this District.

Factual Allegations

11. On or around August 10, 2018, Defendant placed a collection call to Plaintiff seeking and demanding payment for an alleged consumer debt.
 12. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
 13. Defendant called Plaintiff's telephone number at (440) 305-31XX.
 14. On or around August 10, 2018, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine.
 15. In the voicemail message, Defendant failed to meaningfully disclose Defendant's name or the nature of the call or state that the call was from a debt collector.
 16. In the voicemail message, Defendant directed Plaintiff to call back telephone number (800) 926-3136, which is a number that belongs to Defendant.
 17. In the voicemail message, Defendant failed to disclose the purpose of the call was to collect a debt allegedly owed by Plaintiff.
 18. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

FIRST CAUSE OF ACTION

DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.

19. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-18.

20. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff;
 - b. Defendant violated §1692(d)(6) of the FDCPA by placing a telephone and failing to meaningfully disclose Defendant's identity;
 - c. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or misleading representation or means in connection with the debt collection; and
 - d. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the warning: This is an attempt to collect a debt... communication is from a debt collector.

SECOND CAUSE OF ACTION

DEFENDANT VIOLATED THE TFDCPA § 392.001 et seq.

21. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-20.

22. Defendant's violations of the TFDCPA include, but are not limited to, the following:

- a. Defendant violated § 392.304(5)(b) of the TFDCPA by placing a telephone call and failing to disclose Defendant is a debt collector; and
 - b. Defendant violated § 392.304(19) of the TFDCPA by any other false, deceptive, or misleading representation or means in connection with the debt collection.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

First Cause of Action

23. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
24. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
25. Awarding such other and further relief as may be just, proper and equitable.

Second Cause of Action

26. Actual damages pursuant to Tex. Fin. Code § 392.403(2) or statutory damages of no less than \$100 pursuant to § 392.403(2)(e), whichever is greater; and
27. Reasonable attorney's fees, costs pursuant to § 392.403(2)(b).

JURY TRIAL DEMAND

28. Plaintiff demands a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED,

Dated: August 17, 2018

By: /s/ Peter Cozmyk
Peter Cozmyk
Attorney-in-charge
Ohio Bar # 0078862
Cozmyk Law Offices, LLC
6100 Oak Tree Blvd., Ste 200
Independence, OH 44131
Tel. (877) 570-4440